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RESOLUTION NO. 06-056

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 388, FOUR MILE CREEK SEWER (SOUTH OF KELLOGG, EAST OF 127TH ST. EAST) 468-84104** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **LATERAL 388, FOUR MILE CREEK SEWER (SOUTH OF KELLOGG, EAST OF 127TH ST. EAST) 468-84104** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **05-579** adopted on **November 8, 2005**, is here by rescinded.

SECTION 2. That it is necessary and in the public interest to construct **Lateral 388, Four Mile Creek Sewer (south of Kellogg, east of 127th St. East) 468-84104**.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Five Hundred Thirty Thousand Dollars (\$530,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **November 1, 2005**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

COUNTRY HOLLOW ADDITION

Lots 1 through 38, Block 2

Lots 1 through 20, Block 3

Lots 1 through 9, and 25 through 28, Block 4

Lot 1, Block 5

UNPLATTED TRACTS

Commercial Tract - The North 475 feet of the following described tract of land lying in the Northwest Quarter, Section 26, Township 27 South, Range 2 East, of the 6th Principal Meridian, Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows: **COMMENCING** at the Northwest corner of the Northwest Quarter, thence along the West line of said Northwest Quarter on a Kansas Coordinate System 1983 South Zone Grid Bearing of

S00°44'22"E, 108.12 feet; thence N88°58'04"E 30.00 feet to the **POINT OF BEGINNING**, thence N88°58'04"E, 949.55 feet; thence S21°56'19"E, 476.30 feet; thence S88°43'30"W, 216.72 feet; thence S00°44'11"E, 743.43 feet; thence S89°15'49"W, 905.02 feet; thence N00°44'22"W, 1184.62 feet to the **POINT OF BEGINNING**.

Residential Tract - All of the following described tract of land lying in the Northwest Quarter, Section 26, Township 27 South, Range 2 East, of the 6th Principal Meridian, Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

COMMENCING at the Northwest corner of the Northwest Quarter, thence along the West line of said Northwest Quarter on a Kansas Coordinate System 1983 South Zone Grid Bearing of S00°44'22"E, 108.12 feet; thence N88°58'04"E 30.00 feet to the **POINT OF BEGINNING**, thence N88°58'04"E, 949.55 feet; thence S21°56'19"E, 476.30 feet; thence S88°43'30"W, 216.72 feet; thence S00°44'11"E, 743.43 feet; thence S89°15'49"W, 905.02 feet; thence N00°44'22"W, 1184.62 feet to the **POINT OF BEGINNING**.

EXCEPT; the North 475 feet thereof.

Miller Tract – That part of the SW 1/4 of Section 26, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas described as follows:

Commencing at the NE Corner of the SW 1/4, Section 26, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence S88°45'24"W, 899.95 feet; thence S01°14'33"E, 50.00 feet to the Point of Beginning; thence N88°45'24"E, 127.38 feet; thence S28°34'48"E, 345.51 feet; thence S67°32'43"E, 173.29 feet; thence S49°57'33"E, 369.12 feet; thence S27°00'03"E, 279.24 feet; thence S00°50'19"E, 405.68 feet; thence S88°42'16"W, 486.02 feet; thence S69°57'03"W, 277.44 feet; thence S12°34'34"E, 429.03 feet; thence S59°38'22"W, 164.19 feet; thence S75°15'47"W, 291.95 feet; thence S87°03'05"W, 75.97 feet; thence N48°56'31"W, 450.59 feet; thence N01°17'44"W, 1052.84 feet; thence N88°45'24"E, 141.10 feet; thence N01°14'36"W, 632.00 feet thence; N88°45'24"E, 456.15 feet; S01°14'38"E, 50.00 feet; thence N88°45'24"E, 64.00 feet to the place of beginning.

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lots 1 through 38, Block 2; Lots 1 through 20, Block 3; Lots 1 through 9 and 25 through 28, Block 4; and Lot 1 Block 5; COUNTRY HOLLOW ADDITION, shall each pay 44/10,000 of the total cost payable by the improvement district. UNPLATTED COMMERCIAL TRACT, shall pay 2305/10,000 of the total cost payable by the improvement district. UNPLATTED RESIDENTIAL TRACT, shall pay 827/10,000 of the total cost payable by the improvement district. UNPLATTED MILLER TRACT, shall pay 3700/10,000 of the total cost payable by the improvement district.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a

single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, February 14, 2006.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)